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subject
LS - 4672

OGC HAS REVIEWED.

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Special Assistant to the DD/A

10 September 1953

ATTN : [REDACTED]

Office of General Counsel

Payment of Tuition for School Age Dependents for Overseas Personnel

REFERENCE: Director of Personnel Staff Study, same subject

1. This office concurs in the recommendations of the referenced staff study with two exceptions.

2. We agree with the comment of DM/P that the second and third sentences of paragraph (b) of the recommendations need clarification. We recommend that the sentences be deleted and something approximating the following wording be substituted:

"Payment of educational benefits for the children of overseas employees should be made when the facts are such as to show conclusively that denial of the expenditure will severely hamper the operational mission of the particular field component involved."

3. We agree with recommendation (e) that responsibility for authorized requests for educational benefits be delegated to the Personnel Director. Presumably this responsibility will be exercised in accordance with criteria set forth in a regulation as yet unpublished. Those criteria in turn would reflect those outlined in our opinion letter of May 5, 1953. Since the opinion of the General Counsel's Office has already been given there appears to be no necessity for the requirement stated in recommendation (d) that the General Counsel's Office review each existing case for legality. A better solution would be the review of existing cases by the Personnel Director with the assistance of the General Counsel whenever necessary.

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4. DD/P recommends that this office assist in the development of an Agency Regulation on this subject. We would be glad to assist [REDACTED] office or any other to which responsibility for preparation of this regulation is assigned.

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OGC/TMF:cd (10 September 1953)
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